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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,879	06/30/2000	Michael A. Puscar	00-40174-US	9994

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EXAMINER
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NGUYEN, CINDY

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 04/26/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/607,879

Applicant(s)

PUSCAR ET AL.

Examiner

Cindy Nguyen

Art Unit

2171

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13, 15 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15, 19-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

Art Unit: 2171

### **DETAILED ACTION**

This is in response to amendment filed 03/08/04.

#### ***1. Response to Arguments filed (03/08/04)***

Applicant's arguments filed 03.08/04 have been fully considered but they are not persuasive. Based on the Sergey et al.

In response to applicant's argument based upon the age of the references, contentions that the reference patents are old are not impressive absent a showing that the art tried and failed to solve the same problem notwithstanding its presumed knowledge of the references. See *In re Wright*, 569 F.2d 1124, 193 USPQ 332 (CCPA 1977).

The Sergey et al. "The Anatomy of a large-scale hypertextual web search engine", 7<sup>th</sup> International World Wide Web conference, Brisbane, Qld. Australia, 14-18 April 1998, in Computer-Networks and ISDN-systems (Netherlands), vol. 30, no. 1-7, p.107-17, April 1998. This reference was published as of April 1998. Therefore, this reference qualifies as prior art under 35 U.S.C § 102(b).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 2171

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

## **2. *Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**3. Claims 1, 2, 7-9, 12, 13, 15, 21-25 are rejected under 35 U.S.C. 102(b) as being anticipate by Sergey et al. “The Anatomy of a large-scale hypertextual web search engine”, 7<sup>th</sup> International World Wide Web conference, Brisbane, Qld. Australia, 14-18 April 1998, in Computer-Networks and ISDN-systems (Netherlands), vol. 30, no. 1-7, p.107-17, April 1998.**

In consideration of claims 1, 21-25, Saylor disclose: A method and system of providing news relating to a specified subject to a subscriber, comprising the steps of:

(a) selecting a plurality of Web sites operated by content providers and relating to a category to which the specified subject relates (page 3 at the fifth paragraph: “The google search engine...search results”, Sergey);

b) automatically determining the relevancy of at least one Web page in each selected Web site by scanning for words relating to the specified subject (page 3 at the sixth paragraph: “The citation ...a great deal”, Sergey);

Art Unit: 2171

(c) automatically determining the content type of at least one Web page in each selected Web site by scanning at least one Web page for words indicating content type (page 11 at 4.5 searching and 4.5.1 Ranking system, Sergey);

(d) compiling a list of relevant Web pages based only on the results of steps (b) and (c), wherein the compiled list includes hyperlinks to the relevant web pages (page 12, and fig. 4, Sergey);

(e) providing the compiled list to the subscriber, wherein the subscriber is a party other than one of said content providers, wherein the providing comprises transmitting the compiled list from a web server to the subscriber over the Internet ( section 4.3, pages 9-10, Sergey);

wherein the list of relevant web pages includes only those web pages that are determined both to be relevant in step (b) and not to be advertisements in step (c) (page 11, last paragraph, Sergey);

a processor (URL server, URL resolver, in figure at page 6, Sergey);

a memory connected to said processor (repository, in figure at page 6, Sergey);

a display in communication with said processor (figure 4 at page 12, Sergey);

in put device in communication with said processor (page 13, last paragraph, Sergey);

As per claim 2, the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Saylor disclose: further comprising the step of:(f) prompting the subscriber to specify a subject (page 12, section 4.5.2, Sergey).

Art Unit: 2171

Regarding claim 7, the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Sergey discloses: wherein the plurality of Web sites is selected based on the frequency with which relevant links have been located in prior iterations of the method with respect to the specified subject (section 4.5.2 and 5, page 12, Sergey).

Regarding claim 8, the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Sergey discloses: wherein the plurality of Web sites is selected based on the frequency with which relevant links have been located in prior iterations of the method with respect to the same category (section 4.5.2 and 5, page 12, Sergey).

Regarding claim 9, the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Saylor disclose: wherein the words relating to the specified subject comprise at least one word contained in the specified subject (section 4.4, page 10, Sergey).

Regarding claim 12, the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Sergey discloses: wherein the list of relevant Web pages is compiled in step (d) by including only those Web pages that are determined both to be relevant in step (b) and to be of a news content type in step (c) (page 12, and fig. 4, Sergey).

Regarding claim 13, the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Sergey discloses: wherein the list of relevant Web pages is compiled in step (d) by including only those

Art Unit: 2171

Web pages that are determined both to be relevant in step (b) and not to be advertisements in step (c) (page 11, last paragraph, Sergey).

Regarding claim 15, the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Sergey discloses: wherein the list of Web pages is provided to the subscriber in step (e) by electronic mail ("email") (fig. 4 page 12, Sergey).

#### **4. *Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**5. Claims 3-6, 10, 11, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sergey et al. "The Anatomy of a large-scale hypertextual web search engine" in view of Saylor et al. (U.S 6501832) (Saylor).**

Regarding claim 3, the limitations of this claim have been noted in the rejection of claim 1. However, Sergey didn't disclose: wherein the plurality of Web sites is selected by, manually categorizing Web sites into categories. On the other hand, Saylor discloses: wherein the plurality of Web sites is selected by, manually categorizing Web sites into categories (see col. 3, lines 30-41, Saylor). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the plurality of Web sites is selected by, manually categorizing

Art Unit: 2171

Web sites into categories in the system of Sergey as taught by Saylor. The motivation being to enable the system comprise a vpages can categorized by content type, content provider type for categorization (see col. 3, lines 30-41, Saylor).

Regarding claim 4, the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Sergey/saylor discloses: wherein the plurality of Web sites is selected by automatically scanning Web sites for words indicating the category to which each Web site relates (see col. 8, lines 37-53, Saylor).

Regarding claim 5, the limitations of this claim have been noted in the rejection of claim 4. Applicant's attention is directed to the rejection of claim 4 above. In addition, Sergey/Saylor discloses: wherein each scanned Web site is assigned to at most one category (see col. 8, lines 37-53, Saylor).

Regarding claim 6, the limitations of this claim have been noted in the rejection of claim 4. Applicant's attention is directed to the rejection of claim 4 above. In addition, Sergey/Saylordiscloses: wherein each scanned Web site may be assigned to one or more one categories (see col. 8, lines 37-53, Saylor).

Regarding claim 10, the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Sergey/Saylor discloses: wherein the words relating to the specified subject comprise words provided by the subscriber (see col. 14 lines 63 to col. 15, lines 5, Saylor).

Regarding claim 11, the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Sergey/Saylor discloses: further comprising the steps of: (f) compiling a list of words based on the frequency



Art Unit: 2171

with which such words have appeared in relevant links located in prior iterations of the method with respect to the same category (section 4.5.2 and 5, page 12, Sergey); and

(g) prompting the subscriber to select one or more words from the compiled list, wherein the words relating to the specified subject comprise words selected by the subscriber in step (f) (see col. 14 lines 63 to col. 15, lines 5, Saylor).

Regarding claim 19, the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Sergey/Saylor discloses: wherein the list of Web pages is provided to the subscriber in step (e) over an intranet (col. 14, lines 1-22, Saylor), the list of Web pages is provided to the subscriber in step (e) by wireless communication (col. 14, lines 1-22, Saylor).

Regarding claim 20, the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Sergey/Saylor discloses: wherein the at least one Web page scanned in each site comprises the index page of the Web site (see col. 18, lines 12-30, Saylor).

## **6. *Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the

Art Unit: 2171

organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*CN*

Cindy Nguyen  
April 12, 2004

*Wnh*

WAYNE AMSBURY  
PRIMARY PATENT EXAMINER